IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1385 OF 2003

Dinakar Maruti Naik and another Petitioners

versus

State of Maharashtra Respondent

Ms.Madhavi Tavanandi for petitioners.

S.S.Tatkare, APP for respondent.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 23rd November 2005

PC :

1. Despite persuasive efforts of learned counsel for the petitioners, I am not inclined to interfere and entertain a submission at this stage that the complaint does not disclose any offence punishable under Prevention of Food Adulteration Act, 1954 and Rules framed thereunder. Submission of learned counsel that unless and until the standard of the prohibited contents is indicated in the statute or the rules or any subordinate legislation, it is not possible to cull out an offence punishable under the Act in question, need not be considered at

this stage.

2. In my view, the stage at which the matter is namely framing of charge, this submission need not be entertained.

3. The apprehension of the petitioners is that their revision application being rejected by the Sessions Judge, the learned Magistrate will be influenced to a great extent by observations made therein, is also without substance. Even if the charge is framed, it will always be open to the petitioners to raise the contentions, as are raised before me, and neither the order passed by the Magistrate or the orders passed by the Sessions Judge shall influence the Court at the stage of trial and in considering the submissions made and passing appropriate orders. Considering that the trial is under Prevention of Food Adulteration Act and public interest is at stake, the same is expedited.

(S.C.DHARMADHIKARI, J.)